

Angie Lake

From: Lori Shemka <shemka@gmail.com>
Sent: Wednesday, March 14, 2012 8:34 AM
To: Angie Lake
Subject: SENATE BILL NO. 269, Small Claim Court Jurisdiction

Honorable Members of the House Judiciary Committee:

From 2006 - 2010, the Michigan judiciary has noticed a consistent decline in the number of small claims court case filings:

2006	89,167
2007	84,803
2008	78,267
2009	71,828
2010	62,617

The Michigan Supreme Court has not released its 2011 Annual Report; however, there is no reason to anticipate any change in the trend. There has also been a statewide decline in the number of general civil filings of the district courts between the years 2007 - 2010. Thus, the caseload numbers would support an increase in the monetary jurisdiction limit of the small claims court division.

However, I also encourage the Committee to re-assess the other existing restrictions of small claims court. Specifically, MCL 600.8424 limits actions for fraud, libel, slander, assault, battery, or other intentional torts; governmental agency as party:

(1) Actions of **fraud** and actions of **libel, slander, assault, battery, or other intentional torts** shall not be instituted in the small claims division. This subsection does not apply to either of the following:

- (a) An action for fraud under section 2952 or under the Michigan consumer protection act, 1976 PA 331, MCL 445.901 to 445.922.
- (b) An action under section 73109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.73109.

(2) Except as provided in subsection (3), the state, a political subdivision of the state, or any other governmental agency shall not be a party to an action in the small claims division.

(3) A county, city, village, township, or local or intermediate school district may file an action in the small claims division. An action may be filed in the small claims division against a county, city, village, township, or local or intermediate school district, but a party may not assert a claim with respect to which the county, city, village, township, or local or intermediate school district has immunity.

Respectfully, I encourage you to lift most of the restrictions of MCL 600.8242 so that pro se litigants can pursue their claims of fraud, libel, slander, assault, battery or other intentional torts in the small claims division.

Lori K. Shemka, Esq.

535 Griswold Street, Ste. 111-141
Detroit, Michigan 48226